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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-ninth session

SUMMARY RECORD OF THE 1184th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 August 1996, at 10 a.m.

Chairman: Mr. BANTON

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GE.96-18061 (E)

The meeting was called to order at 10 a.m.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FIFTY-FIRST SESSION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (agenda item 9) (continued)

CERD/C/49/CRP.1 (continued)

1. The CHAIRMAN suggested that new paragraphs should be inserted between current paragraphs 18 and 19. The first would refer to "a minute of respectful silence in memory of Mr. George Odartey Lamptey". The second wo refer to the Committee's discussion on the issue of the participation of Committee members in the consideration of the initial or periodic reports o States of which they were nationals and read: "In connection with the elaboration and adoption of the concluding observations of the Committee on some reports, individual members of the Committee made the following statements: Mrs. Sadiq Ali dissociated herself from the concluding observations on India because she felt them totally unbalanced and Mrs. Zou wished to dissociate herself from some of the concluding observations on th People's Republic of China which she believed were based upon premises that were factually false." The third new paragraph would refer to a procedure dealing with seriously overdue initial reports.

2. Mr. SHERIFIS said that in the first new paragraph, "respectful" was redundant.

3. CERD/C/49/CRP.1, as amended, was adopted.

CERD/C/49/CRP.1/Add.3

4. CERD/C/49/CRP.1/Add.3 was adopted.

CERD/C/49/CRP.1/Add.10

5. CERD/C/49/CRP.1/Add.10 was adopted.

CERD/C/49/CRP.1/Add.14

6. CERD/C/49/CRP.1/Add.14 was adopted.

CERD/C/49/CRP.1/Add.16

7. Mr. de GOUTTES noted that, in paragraph 3, the Committee drew the attention of the Government of Togo to the technical assistance available the Centre for Human Rights, using the customary formula. However, Togo h already received such technical assistance, in the form of a seminar held in 1996.

8. The CHAIRMAN asked Mr. de Gouttes to submit a new version of paragra expressing the Committee's hope that Togo would submit its updated report soon as possible.

9. CERD/C/49/CRP.1/Add.16 subject to the amendment to be drafted by Mr. de Gouttes, was adopted.

CERD/C/49/CRP.1/Add.17

10. Mr. GARVALOV recalled the Committee's debate on the situation in Somalia, in which it had acknowledged that the country had suffered a complete breakdown of law and order and had no effective Government. It did not, seem fair therefore to remind Somalia of its reporting obligations under the Convention, as proposed in paragraph 2. He proposed that paragraph 2 should be deleted, since paragraph 3 acknowledged the current state of affairs and declared the Committee's intention to reconsider the situation in Somalia once political stability had been re-established, and that the beginning of paragraph 4 should be amended, to read: "In the future, the Government of Somalia should avail itself ...".

11. It was so agreed.

12. CERD/C/49/CRP.1/Add.17, as amended, was adopted.

CERD/C/49/CRP.1/Add.18-24

13. CERD/C/49/CRP.1/Add.18-24 were adopted.

14. The CHAIRMAN informed the Committee that comments had been received from India on the Committee's concluding observations concerning that State party's report. Under article 9.2 of the Convention the Committee was required to report any such comments to the General Assembly. He suggested that they should therefore be duly included in the appropriate place in the report according to the practice adopted by other treaty bodies.

15. It was so agreed.

16. The report of the Committee to the General Assembly at its fifty-first session, as amended, was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

Appointment of country rapporteurs

17. Mr. CHIGOVERA (Rapporteur) read out the following list of countries with the names of members who had volunteered to act as country rapporteurs:

Periodic reports

Guatemala	Mr. Yutzis
Panama	Mr. Ferrero Costa
Swaziland	Mrs. Sadiq Ali
Belgium	Mr. Diaconu
Algeria	Mrs. Sadiq Ali
Iceland	Mrs. Valencia Rodriguez
Iraq	Mr. Wolfrum
Germany	Mr. Chigovera
Pakistan	Mr. Garvalov
Bulgaria	Mr. Wolfrum
Luxembourg	Mrs. Sadiq Ali

Belarus	Mr. van Boven
Mexico	Mr. de Gouttes
United Kingdom of Great Britain and Northern Ireland (Hong Kong)	Mr. Rechetov

Periodic reports due for five years or more

Uganda	Mr. Ahmadu
Afghanistan	Mr. Wolfrum
Nepal	Mrs. Sadiq Ali
Seychelles	Mr. Valencia Rodriguez
Ethiopia	Mr. Chigovera
Argentina	Mr. Ferrero Costa
Libyan Arab Jamahiriya	Mr. Garvalov
Niger	Mr. Ahmadu
Philippines	Mr. Garvalov
Federal Republic of Yugoslavia, (Serbia and Montenegro)	Mr. Wolfrum
Rwanda	Mrs. Sadiq Ali
Dominican Republic	Mr. Valencia Rodriguez
Cameroon	Mr. de Gouttes
Mongolia	Mr. Shahi
Burundi	Mr. de Gouttes
Netherlands	Mr. Ferrero Costa
Cuba	Mr. van Boven
Jordan	Mr. van Boven
Bahamas	Mr. Lechuga Hevia
Cambodia	Mr. Yutzis
Lebanon	Mr. Garvalov

Initial reports due for five years or more

Liberia	Mr. Ahmadu
Guyana	Mr. Valencia Rodriguez
Suriname	Mr. Yutzis
Congo	Mr. de Gouttes
Antigua and Barbuda	Mr. Lechuga Hevia
Mauritania	Mrs. Sadiq Ali
Saint Lucia	Mr. Lechuga Hevia
Bahrain	Mr. Shahi

Countries to be considered under early warning and urgent procedures

Burundi	Mr. de Gouttes
Rwanda	Mrs. Sadiq Ali
Federal Republic of Yugoslavia (Serbia and Montenegro)	Mr. Wolfrum
Former Yugoslav Republic of Macedonia	Mr. Rechetov
Liberia	Mr. Ahmadu
Bosnia and Herzegovina	Mr. van Boven

18. Mrs. ZOU noted that the list of country rapporteurs for periodic reports included a report entitled "United Kingdom of Great Britain and Northern Ireland (Hong Kong)". As she recalled the discussion with the United Kingdom delegation at the previous session, the Committee had asked for additional information about all 11 dependent territories of the United Kingdom, not just about Hong Kong. If the report referred only to Hong Kong, the Committee should not consider it.

Letter of transmittal 1996 (CERD/C/49/Misc.33/Rev.1)

19. Mr. DIACONU suggested that the draft letter should also mention the General Recommendations adopted at the forty-ninth session. The second sentence of the second paragraph should be amended to say that "They submitted commentaries on the implementation of the Convention which complemented the information available to members of the Committee", with the rest of the text unchanged.

20. Mr. FERRERO COSTA, supported by Mr. SHAHI, suggested amending the first sentence of the draft letter to begin "This report", including a reference to the resolutions the Committee had adopted, and mentioning that some individual complaints submitted under article 14 of the Convention had been considered.

21. The draft letter of transmittal, as amended, was adopted.

Programme of work for the fiftieth session

22. Mr. CHIGOVERA (Rapporteur) said a total of 14 States parties were expected to report to the Committee. He proposed that, as time would be of the essence, for all but three of the country reports the Committee should devote one meeting to each report. The Committee would have to decide whether the three hours allocated would be divided into two one-and-half-hour sessions or not.

23. Mr. SHERIFIS warned against trying to do too much in a single session. If the Committee was to do its job properly, it would have to give due time to States parties' reports and have due regard for delegations, some of which were large and travelled long distances. Furthermore, it should not try to impose strict time limitations.

24. Mr. CHIGOVERA observed that the alternative would be to reduce the number of reports and have a backlog.

25. Mr. RECHETOV emphasized the importance of ensuring that the maximum amount of time could be devoted to the consideration of reports, which was the Committee's main task. In that connection he fully supported the views expressed by Mr. Sherifis.

26. As far as specific reports were concerned, Mr. de Gouttes might more usefully be the rapporteur for Iceland. Furthermore, if, as had been suggested earlier, the United Kingdom report focused entirely on Hong Kong and was not in conformity with the Committee's request as reflected in paragraph 219 of CERD/C/49/CRP.1/Add.5, the matter would have to be drawn to the attention of the United Kingdom and the report rejected.

27. Mrs. ZOU supported that view. The United Kingdom report should only be on the agenda of the fiftieth session if it covered all the dependent territories.

28. Mr. de GOUTTES said that Mexico, for which he was rapporteur, should be added to the list for consideration in March 1997. He was prepared to be rapporteur for Iceland as well, but understood that Mr. Valencia Rodriguez had accepted that task.

29. With regard to the timetable, experience had shown that the staggering o reports, as had been done at the present session, was best avoided, as it risked confusion and breaking the thread of the debate. It took time to get into a dialogue and the unity of that dialogue needed to be preserved. If the Committee wanted to give delegations time to prepare their responses, it could use that time more profitably on other agenda items rather than on starting consideration of another country's report. It should also inform States parties of its method of work so that they could organize themselves accordingly.

30. Mr. AHMADU said that the Committee should concentrate on its main task and not spend valuable time on issues dealt with by other bodies. In discussing reports, members should not repeat arguments or questions raised by the country rapporteur and should be economical with their time. The question of the number of reports received and likely attendance was a matter for the Bureau rather than the plenary.

31. Mr. WOLFRUM pointed out that the Committee had no right to a free afternoon on its last day and could therefore hold 30 meetings per session instead of 29. It should also ensure that its meetings started on time, given that the total time lost in late starts could be the equivalent of two meetings per session. If those two conditions were fulfilled, 14 reports, including that of Mexico, could be scheduled for the next session, on the understanding that if some countries requested postponement, the time could be spent profitably on other issues.

32. It was impractical to alternate between reports, for the reasons expressed by Mr. de Gouttes. If the Committee succeeded in building up a dialogue, which it had failed to do with India, it would find its concluding observations easier. Imposing a strict time-limit on individual members also inhibited dialogue. Advance planning rarely worked and although the establishment of rigid rules might result in the completion of an extra report, it would almost certainly be at the expense of a proper dialogue.

33. Mr. YUTZIS said that there should be no strict time-limit on members' statements. The Committee should consider between 10 and 13 reports and should hold 30 meetings during the session. The secretariat and the Bureau might be asked to provide lists of countries which were certain to present a report and of those which might be expected to do so. There should be no interruption in the consideration of the State party's report, and any time left over should be used flexibly to consider other items, such as communications.

34. Mr. FERRERO COSTA observed that the Committee's work had improved in recent years but was now more complex. At least one day should be allowed for the consideration of each State party's report, which should be completed before the next was taken up, with any spare time being used for other issues. While flexibility should be observed in the time allotted to each speaker, a working assumption might be to allow a maximum of 10 minutes each, with 30 to 45 minutes for the country rapporteur. Twelve State party reports would be a realistic figure, and 30 meetings should be scheduled. The Committee might also consider holding an evening meeting from 6 p.m. to 9 p.m. once a week. The Bureau should be left to decide on all the proposals now before it.

35. Mrs. SADIQ ALI fully endorsed the suggestions made by Mr. de Gouttes and Mr. Wolfrum. She was very much against breaking up the Committee's consideration of State party reports since it prevented continuity in the discussion and was unfair to the reporting country. On the question of time-limits, she urged flexibility. Thirty meetings should be scheduled. The reports in question could all be scheduled for the next session, since one or two were bound to be postponed.

36. Mr. CHIGOVERA, Rapporteur, said that it remained to determine the exact number of reports to be considered and that in turn would determine the timetable. As to the allocation of time for each report, the Committee should give its views on whether a single standard should be applied or whether it could be assumed that some reports needed less time than others. There seemed to be general agreement on the need to schedule 30 meetings for the session.

37. Mr. WOLFRUM proposed that 14 reports should be scheduled, since consideration of the reports of several of the countries listed had never required more than one meeting each.

38. It was so agreed.

39. Mr. DIACONU, agreed that, while due time should be allowed for a proper dialogue with States parties, some reports would not require two meetings. One way of saving time might be for two separate reports to be presented in one meeting, subsequently allowing a full meeting for the discussion with each reporting State. He stressed the importance of examining all reports submitted and not allowing several years to elapse after they had been received by the secretariat. The reports by country rapporteurs should not be unduly lengthy, should keep within the bounds of the Convention and should be focused on topical issues so that the discussion could be brought within reasonable limits.

40. The CHAIRMAN said there appeared to be general agreement on those views and on the fact that the experimental practice at the current session of dividing up country reports had proved unsuccessful. The question about the report of the United Kingdom, about which doubts had been expressed, remained to be clarified, the difficulty being that only part of the report had been submitted.

41. Mr. CHIGOVERA (Rapporteur) said that, without having seen the report of the United Kingdom, it was difficult for him to comment on whether it failed to comply with the Committee's previous concluding observations. However, if

that was the case and the Committee decided that the report could not be considered at its March session, there would be a hiatus arising from the fact that the Committee would not be able to consider issues relating to Hong Kong, since that territory would no longer be administered by the United Kingdom after 1 July 1997.

42. Mr. GARVALOV said that equal treatment demanded that the 14 States parties' reports should be listed on the agenda in the order in which they had been submitted to the secretariat. The United Kingdom report should not be considered unless it was a comprehensive one.

43. Mr. DIACONU disagreed that there would be a hiatus concerning Hong Kong if the Committee did not consider the United Kingdom report before 1 July 1997, because the United Kingdom report could be expected to cover the period up to that date, and thereafter it would be for China to report on Hong Kong. Reports from States parties should cover all territories administered by them. He would therefore be in favour of informing the United Kingdom authorities that if they submitted a comprehensive report in time, it would be considered by the Committee at its March session but that otherwise consideration would be postponed.

44. It was so agreed.

CLOSURE OF THE SESSION

45. The CHAIRMAN, on behalf of himself and the Committee, thanked the members of the secretariat and the Anti-Racism Information Service for their contribution to the success of the session.

46. After the usual exchange of courtesies the CHAIRMAN declared the forty-ninth session of the Committee closed.

The meeting rose at 12.10 p.m.